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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,132	12/12/2003	Mark Olijnyk	SCH-00027-DVD	1927
7590 08/25/2004				
Warn, Burgess & Hoffmann, P.C. P.O. Box 70098 Rochester Hills, MI 48307		EXAMINER ROBINSON, MARK A		
		ART UNIT 2872		PAPER NUMBER
DATE MAILED: 08/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/735,132	Applicant(s) OLIJNYK ET AL.	
	Examiner Mark A. Robinson	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/21/04</u> | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 2872

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Enomoto 4681409.

Enomoto shows a vehicle mirror including a mirror housing(10) with reflective element and an electrically powered folding mechanism(30) for folding the mirror forward and backward (see fig. 8), wherein forward travel of the mirror housing is greater than backward travel (shown in fig. 8). Enomoto further shows a sail portion(20) and at least one attachment arm(14,etc.) between the mirror housing and the sail portion, the folding mechanism folding the mirror at a connection point between the arm and sail portion. Note also that the rearward folded position is adjacent a side window of the vehicle.

Art Unit: 2872

3. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumai 4626084.

Kumai shows a vehicle mirror including a mirror housing(5) with reflective element and an electrically powered folding mechanism(10) for folding the mirror forward and backward (abstract), wherein forward travel of the mirror housing is greater than backward travel (see figs. 4 and 5). Kumai further shows a sail portion(1) and at least one attachment arm(8) between the mirror housing and the sail portion, the folding mechanism folding the mirror at a connection point between the arm and sail portion. Note also that the rearward folded position is adjacent a side window of the vehicle.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Fujie 5375014.

Art Unit: 2872

Enomoto does not show the forward folded position of the mirror housing to be substantially ahead of the windshield. However, such a feature is shown by Fujie (see fig. 1). It would have been obvious to the ordinarily skilled artisan at the time of invention to include Fujie's arrangement for folding the mirror housing ahead of the windshield with Enomoto's mirror device in order to provide for an unobstructed vehicle side profile thus allowing for a further reduction in the width of the vehicle for storage or parking.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumai in view of Fujie.

Kumai does not show the forward folded position of the mirror housing to be substantially ahead of the windshield. However, such a feature is shown by Fujie (see fig. 1). It would have been obvious to the ordinarily skilled artisan at the time of invention to include Fujie's arrangement for folding the mirror housing ahead of the windshield with Kumai's mirror device in order to provide for an unobstructed vehicle side profile thus allowing for a further reduction in the width of the vehicle for storage or parking.

Art Unit: 2872

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both Home and Rothe show arrangements for folding a mirror housing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

Art Unit: 2872

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

8/20/04

  
**MARK A. ROBINSON**  
**PRIMARY EXAMINER**